

**REMARKS****Summary of the Office Action**

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hisamatsu et al. (U.S. Pub. No. 2002/0003815) (hereinafter "Hisamatsu").

**Summary of the Response to the Office Action**

Applicants have amended claims 1, 4 and 7 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-11 remain currently pending for consideration.

**Rejections under 35 U.S.C. 102(e)**

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hisamatsu. Applicants have amended claims 1, 4 and 7 to differently describe embodiments of the disclosure of the instant application. To the extent that this rejection might be deemed to still apply to the claims as newly-amended, it is respectfully traversed for at least the following reasons.

In the Office Action, the Examiner asserts that all of the features of independent claim 1 of the instant application are anticipated by Hisamatsu. However, Applicants respectfully traverse such an assertion because the portions of Hisamatsu which are referred to in the rejection by the Examiner, however, disclose only the reproducing programs or contents which are recorded on the medium. Applicants respectfully submit that those portions of Hisamatsu do not teach the features associated with the "contents group information" of the instant application's disclosure to any extent.

Based on the Examiner's statements in the rejection, Applicants suppose that the Examiner's interpretation supporting this rejection of claim 1 as being anticipated by Hisamatsu is based on a thought that the instant application's disclosed invention becomes the same as ordinary recording or reproducing in the situation where only one contents group information is recorded on the medium. Accordingly, in an effort to avoid such a possible interpretation, Applicants have decided to advance the prosecution by amending independent claim 1 to specifically describe that "a plurality of contents group information" is recorded on the recording medium.

More particularly, independent claim 1 of the instant application now describes an advantageous combination of features of an information recording apparatus for recording broadcasting information on a recording medium that includes "a generating device for generating a plurality of contents group information based on the correlation information, each of the contents group information including identification information for identifying a relationship between the unit information and the content and type information indicating a type of the content, the contents group information indicating a contents group including the contents and indicating one or more combinations of the contents which are able to be reproduced."

Applicants respectfully submit that the combination of features of newly-amended independent claim 1 has at least two characteristic and remarkable features in that:

(A) the display such as that illustrated in, and described in regard to, Fig. 12 of the instant application is available; and the display of Fig. 12 advantageously enables Applicants to make the combination of the contents voluntarily for one program, and

(B) it advantageously becomes possible to recognize the combination of the contents which are included in the broadcasting information without reproduction of the broadcasting information itself.

Independent claims 4 and 7 have also been newly-amended to include similar features as discussed above with regard to newly-amended independent claim 1. Accordingly, similar arguments as discussed above with regard to newly-amended independent claim 1 also apply to newly-amended independent claims 4 and 7.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(e) should be withdrawn because Hisamatsu does not teach or suggest each feature of independent claims 1, 4 and 7 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from independent claims 1, 4 or 7 and the reasons discussed previously.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

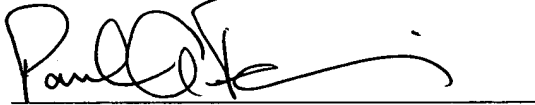
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: October 28, 2008

By:



Paul A. Fournier

Reg. No. 41,023

**Customer No. 055694**

**DRINKER BIDDLE & REATH LLP**

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465